



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,739	05/01/2006	Daniel Bignon	GEI113	5257
47888	7590	12/28/2007		
HEDMAN & COSTIGAN P.C. 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER JOHNSON, MATTHEW A	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 12/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,739

Applicant(s)

BIGNON, DANIEL

Examiner

Matthew Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/7/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s):

- Claim 2 recites the limitation, "said assist member is a device comprising compression springs and gas cylinders". The drawings do not appear to show an assist device comprising both compression springs and gas cylinders. As disclosed on page 6 lines 3-4 of the specification, the illustrated embodiment shows a gas cylinder (5).
- No reference character is given for "an operating member" in the drawings making it unclear which feature Applicant is referring to.
- Claim 7 recites the limitation "a treaded connection between said support member and said casing". This feature is not shown in the drawings.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means", "comprising", "consisting", "wherein" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

5. Claims 1-7 are objected to because of the following informalities: the reference characters used are not consistent. For example, the control stick, the means for adjusting the stroke (claim 5), and the support member (claim 6) are all designated by reference numeral (1). The examiner suggests deleting all reference characters from the claims. Appropriate correction is required.

Re clm 7: It appears the term "treaded" in line 4 should read "threaded".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by

"or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 1 recites the limitation "the proximal end" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the user" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Re clms 3 and 5: Use of the phrase "it is" is unclear rendering the claim indefinite. Applicant must positively identify the element that "it is", is referring to.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Houk (USP3,541,877) in view of Cooper et al. (USP-2,019,073).

Re clm 1: Houk discloses a cable (36, 38) operated control mechanism (10) comprising:

- A casing (13) housing a control member (76) from which emerges the proximal end (top of 76) of said control member, forming a control stick (76) configured as a grip (attached to top of 76)

- Said control stick being articulated to said casing (Figs. 2 and 3) and being connected to an operating member (30) to which said cable is anchored (at 50)

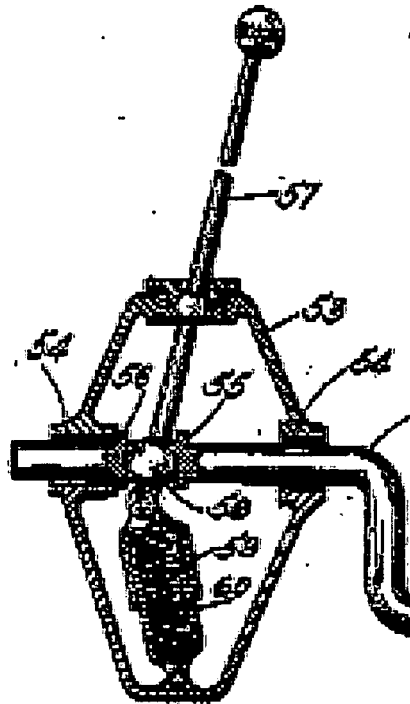
Regarding functional limitations, the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. (See MPEP 2114)

Houk does not disclose said control member is composed of at least two abutting segments articulated to each other, namely a proximal segment constituting said control stick and a distal segment formed of an elastically deformable member that bears articulatedly against said casing to constitute an assist member for assisting the operation of said control stick such that in the idle position, said control stick and said assist member are disposed coaxially in prolongation of each other so as to place said assist member under stress, and in that the changeover from said idle position to a working position is effected by tilting said control stick, which is then pushed at its base by said assist member.

Cooper teaches a control member (Fig. 3, see attached partial view) composed of at least two abutting segments (57, 59) articulated to each other (Fig. 3), namely a proximal segment (57) constituting a control stick (57) and a distal segment (59) formed of an elastically deformable member (60) that bears articulatedly against a casing (53) to constitute an assist member (C2 L58-67) such that in the idle position (vertical

position), said control stick and said assist member are disposed coaxially in prolongation of each other (Fig. 3) for the purpose of urging further inclination of the lever when inclined from the vertical position (C2 L58-67).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Houk to include a control member composed of at least two abutting segments articulated to each other, namely a proximal segment constituting said control stick and a distal segment formed of an elastically deformable member that bears articulatedly against said casing to constitute an assist member for assisting the operation of said control stick such that in the idle position, said control stick and said assist member are disposed coaxially in prolongation of each other so as to place said assist member under stress, and in that the changeover from said idle position to a working position is effected by tilting said control stick, which is then pushed at its base by said assist member, as taught by Cooper, for the purpose of urging further inclination of the lever when inclined from the vertical position (C2 L58-67).



Re clm 2: Cooper further discloses said assist member is a device comprising compression springs (60) and gas cylinders (59 is a cylinder comprising air).

Re clm 3: Cooper further discloses said assist member (59, 60) being a gas cylinder (59 is a cylinder comprising air), it is articulated at its corresponding bottom and head ends (Fig. 3) to a respective one of said casing (53) and said control stick (57).

Re clm 4: Cooper further discloses said assist member is articulated omnidirectionally to said casing and to said control stick by means of respective ball joints (58 and upper ball joint).

10. Claims 5-7, as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Houk (USP3,541,877) in view of Cooper et al. (USP-2,019,073) further in view of George et al. (USP4,565,504).

Re clm 5: Houk in view of Cooper disclose all of the claim limitations as described above.

Cooper does not disclose means for adjusting the stroke of said assist member.

George teaches a means (50, 52, 54, 56) for adjusting the stroke of an assist member (26, C3 L17-21) for the purpose of adjusting the length of the stroke (C4 L23-38).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Houk and Cooper to include a means for adjusting the stroke of the assist member, as taught by George, for the purpose of adjusting the length of the stroke (C4 L23-38).

Re clm 6: George further discloses said means for adjusting the stroke of said assist member are constituted by configuring a support member (52) bearing against the casing (40) of said assist member. Regarding the limitation "for adjusting the distance separating the ends thereof from each other", the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. (See MPEP 2114)

Re clm 7: George further discloses the configuration of said support member to permit adjustment of said assist member is constituted by a threaded connection (52 and 56) between said support member and said casing from which it emerges, so that the desired adjustment can be made from outside the casing (Figs. 1 and 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Johnson whose telephone number is 571-272-7944. The examiner can normally be reached on Monday - Friday 8:30a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ 12/26/2007


RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER